IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 29446 of 2005(E)

PETITIONER:

SUNDARAN PILLAI, S/O.GOPALA PILLAI,
AGED 46, MANAT HOUSE, SOUTH VAZHAKKULAM P.O.
ALUVA 5.

BY ADV. SRI.A.T.ANILKUMAR,
SRI.P.DALBI EMMANUEL.

RESPONDENTS:
----

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, IRRIGATION DEPARTMENT THIRUVANANTHAPURAM.**
2. **THE EXECUTIVE ENGINEER, PERIYAR VALLEY IRRIGATION PROJECT OFFICE, PERUMBAVOOR.**
3. **THE REVENUE DIVISIONAL OFFICER, MUVATTUPPUZHA.**
4. **THE VILLAGE OFFICER, SOUTH VAZHAKKULAM, ALUVA 5.**
5. **RAJESH, PURAMADATH HOUSE, SOUTH VAZHAKKULAM, ALUVA 5.**

BY SR. GOVERNMENT PLEADER SRI. R. LAKSHMI NARAYAN,
ADV. SRI.ALEXANDER JOSEPH,
ADV. SRI.JOHNSON THOMAS.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.29446/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REPRESENTATION DTD. 24/09/2004 SUBMITTED BY THE PETITIONER BEFORE THE R.3.

EXT.P.2: COPY OF THE COMPLAINT DTD. 12/10/2004 SUBMITTED BY THE PETITIONER BEFORE THE R.2.

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 29446 OF 2005-E

JUDGMENT

The petitioner has approached this Court, alleging that the 5th respondent has filled a thodu on the southern side of his wife's property, preventing free flow of water. He filed Ext.P1 representation before the Revenue Divisional Officer to remove the obstruction and thereafter, this writ petition is filed, seeking appropriate reliefs.

2. The 3rd respondent R.D.O has filed a counter affidavit, in whiche it is submitted as follows:

> "The petition was got enquired into through the Village Officer, Vazhakulam and it reveals that a portion of the thodu is filled due to deposit of soil from the property of the 5th respondent, that the free flow of water through the channel is obstructed and that the water began to flow through the frontyard of the petitioner's property. Since the maintenance of PVIP Canal is made by the PVIP authorities the petition has been forwarded to the Executive Engineer, PVIP, Perumbavoor to take urgent steps to dispose of the case."

The above statement is recorded. If there is any subsisting grievance, the

petitioner will be free to work out his remedy.

The Writ Petition is disposed of as above.

7th December, 2007. **K.BALAKRISHNAN NAIR, JUDGE.**

Nm/